

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KONINKLIJKE PHILIPS ELECTRONICS
N.V. and U.S. PHILIPS CORPORATION,

Plaintiffs and Counterclaim
Defendants,

v.

CINRAM INTERNATIONAL INC., CINRAM
INC., CINRAM MANUFACTURING INC.,
and John Does No. 1 through 100,

Defendants and Counterclaim
Plaintiffs.

Civil Action No.
08 CV 00515 (CLB)(MDF)

Magistrate Judge Mark D. Fox

**NOTICE OF PHILIPS' MOTION TO DISMISS CINRAM'S SECOND AMENDED
PATENT MISUSE AND TORTIOUS INTERFERENCE COUNTERCLAIMS**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiffs Koninklijke Philips Electronics N.V. and U.S. Philips Corporation (collectively "Philips") move to dismiss the amended counterclaim for patent misuse and the two amended counterclaims for tortious interference with a business relationship filed by Cinram International Inc., Cinram Inc., and Cinram Manufacturing Inc. In support of this motion, Philips relies on the Declaration of Samuel Cummings Bass and the accompanying memorandum of law in support of Philips' Motion to Dismiss. Philips also requests a hearing on this motion.

WHEREFORE, Philips respectively prays that the Court dismiss with prejudice the amended counterclaim for patent misuse and the two amended counterclaims for tortious

interference with a business relationship for failure to state a claim upon which relief can be granted, and that it grant such other relief as it deems just and proper.

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